1950. File No. Fees II - Dwr/50

K Legal DEPARTMENT

K Examined C BRANCH

Subject:—

Fees II - Dwr — Applications for enhanced fees from D. L. P., P. P. and their Assistants from Dharwar District—

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File No. Fees II Dwr/50 369

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C O N T E N T S.

Legal Department.

Vol. - Fees II Dwr/50.

Sr.No.	Compilation No.	Subject.	Pages.
	Fees II Dwr/50.	Application for enhanced fees from the D.G.P., P.P. and their Assistants from Dharwar Distt.	
1.	R.I.No.5189 25-3-50.	Letter from A.G.P. Dharwar - Re. C.A.No. 14 of 1949 of the District Court Dharwar, in S.No.94/1947.	

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24/4/17

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From

P.V.Jathar, Esqr., B.A., LL.B.,
Assistant Government Pleader, Dharwar.

To

The Remembrancer of Legal Affairs,
Bombay.

Subject : Civil Appeal No.14 of 1949 of the District Court, Dharwar in L. C. No. 94 of 1947

G.P.L.D. No.3061 dated 3rd Sept '47 &
G.P.L.D. No.5765 dated 23rd May '49

Collector's No.Law-479 of 9-4-1949.

Sir,

I beg to apply under rule 26 of the Law Officers' Rules for an enhanced fees as under :-

The important question involved in this appeal is whether the shet sanadi lands are watan lands. In this case voluminous records relating to the pre-British period and British period, correspodence and reports of various officers are produced and there are as many as 134 exhibits in this case, which covered several typed pages. Ex.82 is Rao Bahadur Kamalapurkar report to the R.L.A. and covers 59 pages (closely printed) of foolscape half sheet size. I had to make a special study of the subject both case law and facts extending from the Peshwa period. This is a case of unusual importance or difficulty. The fees allowed to me in the decree is Rs.15/-. Inview of the unusual importance of the appeal I am claiming Rs.100/- only as enhanced fees besides Rs.15/- which is awarded in the decree.

2. The appeal was argued on one day only when the reports and exhibits were explained in detail. Though the appeal was ultimately dismissed it held that so

long as the decision of the Bombay High Court in Limbaji v. Rama 1898 P.J.127 was not overruled this Court was bound by that decision.

3. I had applied on 18-5-1949 for the enhanced fees under rule 26 of the Law Officers' Rules and the Government was pleased to sanction Rs.65/- including the ordinary fees of Rs.15/- for conducting this case in the Lower Court (Vide Government of Bombay, Legal Department, Memorundum No.13334 dated 22nd November 49).

4. It is therefore respectfully prayed to sanction the enhanced fees of Rs.100/- only for which act of kindness I shall ever remain grateful.

A certificate of the date of attendance in Court and a copy of the judgement in the appeal are sent herewith as required by the above Rule. The copy of the judgement may please be returned when done with.

22 MAR 1950

Yours faithfully,

R.V. Jathar

Asst. Govt. Pleader.

Submitted through the District Government Pleader, Dharwar, District Judge, Dharwar and the Collector, Dharwar.

No. dated Feb '50,
Office of the Dist. Govt. Pleader,
Dharwar.

22 MAR 1950

Forwarded with compliments to the R.L.A., Bombay, through the District Judge and Collector, Dharwar, for favour of favourable consideration.

Dist Govt Pleader

Submitted.

For the reasons stated in his application at pages 1-2 ante the A.G.P. Dharwar requests that he may be sanctioned enhanced fee of Rs.100/- in addition to the tax fee of Rs.15/- for conducting C.A. No. 14 of 1949 (Fakirappa U. Hanamar and another vs. the Provincial Govt of Bombay).

2. The D.G.P. Dharwar recommends the application for favourable consideration. The D.J. Dharwar recommends enhanced fee of Rs.50/- in addition to the fees awarded by the decree. The D.M. Dharwar has not offered any remarks and has forwarded the application to the R.L.A. for such action as he thinks fit.

3. Under rule 21(1) of the L.O.(C.of S.) Rules the A.G.P. is entitled only to tax fee. The fee awarded by the decree in the present case is Rs.15/-. The A.G.P's request for enhanced fee of Rs.100/- in addition to the fee awarded by the decree is therefore for consideration. Any enhanced fee will have to be sanctioned under rule 26 of the L.O. (C.of S.) Rules after F.D's ~~sanction~~ approval.

4. Incidently it may be pointed out that in the Lower Court the A.G.P. was sanctioned enhanced fee of Rs.65/- inclusive of the tax fee vide L.D. Memo. No.13334, dated the 22nd November 1949.

V/p.33 of
File dated 1949
Mfp N

15/3

16/3

D.S. To confirm the lawyer's fees in such suits to have fee. would be doing injustice. I would recommend suit as in Lower Court

If the A.G.P. may be granted Rs 65/- inclusive of the taxi fees as per his application.

17.3

Rd file I agree. Papers may be shown to F.D.

17/3

U.R. to F.D. No. 3839 dt 18th March 1950

(F.D.)
F

FINANCE DEPARTMENT
File No F
Date
Serial No 20-3-50

The F.D. proposal may be accepted

20/3/50

U.O. 21/3

Rec'd with U/L F.D. dt. 23.3.50

A.G.P. (S)

F. D.
24 MAR 1950

with F.P.

Enhancement.

The F.D. has agreed to our proposal to the grant of enhanced fee of Rs 65/- to the A.G.P. Shahnawaz. Necessary D.O. short Note to F.D. is put up for signature.

5189
25/3/50

27/3

28/3

29/3

Reg.
P/c closure to U/L F.D. with F.P.

29/3/50